

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
 ) 8:12CR262  
 Plaintiff, )  
 )  
 vs. ) ORDER  
 )  
 LUIS NUNEZ-RODRIGUEZ, )  
 )  
 Defendant. )

This matter is before the Court on the motion of defendant Luis Nunez-Rodriguez (Nunez-Rodriguez) for an extension of the pretrial motion deadline (Filing No. 39). The motion does not comply with NECrimR 12.1 (a) and paragraph 9 of the Progression Order (Filing No. 25) in that the motion is not accompanied by the defendant's affidavit or declaration stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking an extension;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*; and
- (3) With this understanding and knowledge, agrees to the filing of the motion.

Accordingly, the motion (Filing No. 39) is :

- ( X ) Held in abeyance pending compliance with NECrimR 12.1(a) and Paragraph 9 of the Progression Order. Absent compliance **on or before September 28, 2012**, the motion will be deemed withdrawn and termed on the docket.
- ( ) Denied.

**IT IS SO ORDERED.**

DATED this 24th day of September, 2012.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge